

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JERRY LEE CLARK, SR.,)	
)	
Plaintiff,)	
)	
v.)	CV418-221
)	
JOHN T. WILCHER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This case should be dismissed without prejudice because plaintiff has failed to comply with the February 3, 2019, deadline for returning the Consent Form and Prison Trust Account Statement required by this Court, pursuant to 28 U.S.C. § 1915(a)(2). Doc. 8 at 1-2 (Order granting plaintiff an additional 30 days to comply with its Order granting him leave to proceed *in forma pauperis* and requiring he submit his PLRA forms, and warning of dismissal if he failed to timely return his forms). In lieu of complying with the Court's Order, and despite having been provided with a second copy of the required forms, Clark filed a new application to proceed *in forma pauperis* (doc. 9), demonstrating his ability to submit forms to the Court when he chooses.


This Court has the authority to prune cases from its dockets where parties have failed to comply with its Orders. *See* L.R. 41(b); *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). James' case should thus be **DISMISSED** without prejudice for failing to comply with the Court's Order.

This report and recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and

recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 11th day of February, 2019.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA